

EXHIBIT 9

MARK MEYERS DEPOSITION

TRANSCRIPT

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WACKER NEUSON PRODUCTION

AMERICAS, LLC,

Plaintiff/

Counter-Defendant,

vs.

Case No. 1:19-cv-00018-JTN-ESC

Hon. Janet T. Neff

CITY OF NORTON SHORES,

Defendant/

Counter-Plaintiff.

The Deposition of MARK MEYERS,

Taken at 120 West Apple Avenue,

Muskegon, Michigan,

Commencing at 12:07 p.m.,

Friday, January 17, 2020,

Before Carol L. Gavigan, CSR-2494, RPR.

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MARK MEYERS - 01/17/2020

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1 Q. That's when you started with the City?

2 A. No, 1995.

3 Q. Oh, wow. What did you do before 2004?

4 A. I was the Director of Administrative Services and
5 assistant to the City Administrator for the two
6 previous Administrators.

7 Q. Oh, okay, got you.

8 MR. BRODY: Well, Mark, I don't have any
9 other questions for you right now. I may if
10 Mr. Karafa asks you some, but other than that, I'm
11 done, and I thank you for your time.

12 A. Thank you.

13 EXAMINATION

14 BY MR. KARAFA:

15 Q. Just have a couple of questions.

16 Mr. Meyers, during these -- this timeframe
17 where there was this change in name of Wacker, did the
18 facility change its -- from what you can tell, was
19 there -- was the structure essentially the same with
20 regard to its employee pool?

21 MR. BRODY: Object to the form of the
22 question to the degree it characterizes it as a name
23 change.

24 MR. KARAFA: Sure.

25 MR. BRODY: Go ahead.

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1 BY MR. KARAFA:

2 Q. Did Wacker, as you knew it, by whatever name, have --
3 operate the same facility?

4 A. Yes.

5 Q. Same warehouse facility?

6 A. Yes.

7 Q. Same manufacturing facility?

8 A. Yes.

9 Q. Essentially, the same employee pool, that is --

10 A. Yes.

11 Q. -- there wasn't a complete wipeout of all employees
12 and a new hire of all employees?

13 A. No.

14 Q. Did they stay in the same line of business?

15 A. Yes.

16 Q. And did any contact persons you had, did those
17 essentially change during that timeframe?

18 A. No.

19 Q. Looking at -- let's see, let's find Nelund Exhibits --
20 I don't want to knock over any water here -- you were
21 asked about Nelund Exhibit Number 6, which is the
22 Act 198 agreement entered into between Wacker Corp and
23 the City of Norton Shores back in November 2007; is
24 that right?

25 A. Yes.

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1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN)

3) SS

4 COUNTY OF KENT)

5

6 I, CAROL L. GAVIGAN, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded by me stenographically and
10 reduced to computer transcription; that this is a
11 true, full and correct transcript of my stenographic
12 notes so taken; and that I am not related to, nor of
13 counsel to, either party nor interested in the event
14 of this cause.

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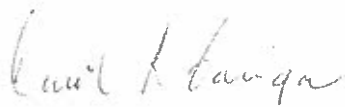
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CAROL L. GAVIGAN, CSR-2494, RPR

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Notary Public,

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Kent County, Michigan.

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My Commission expires: April 10, 2021